

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY  
NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JAN 19 2010

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

JACQUES C.,

Appellant,

v.

ARIZONA DEPARTMENT OF  
ECONOMIC SECURITY, MATTHEW C.,  
ACACIA C., JACOB C., SAMUEL C., and  
DYLAN N.,

Appellees.

2 CA-JV 2009-0099

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 28, Rules of Civil

Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. JD 200600218

Honorable Joseph R. Georgini, Judge

AFFIRMED

Richard Scherb

Florence  
Attorney for Appellant

Terry Goddard, Arizona Attorney General  
By Kathleen Skinner

Mesa  
Attorneys for Appellee Arizona  
Department of Economic Security

E C K E R S T R O M, Presiding Judge.

¶1 Jacques C. appeals the juvenile court’s August 25, 2009 order terminating his parental rights to fifteen-year-old Acacia C., thirteen-year-old Jacob C., and ten-year-old Samuel C. on grounds of abandonment, A.R.S. § 8-533(B)(1), and length of time in care, § 8-533(B)(8)(a) (nine months or longer) and (c) (fifteen months or longer).<sup>1</sup> On appeal, Jacques argues only that the court lacked sufficient evidence to find termination was in the best interests of the children.<sup>2</sup> For the following reasons, we affirm.

¶2 In addressing the juvenile court’s finding that termination of Jacques’s parental rights was in the best interests of his children, we consider whether reasonable evidence supported the juvenile court’s finding that the children “would derive an affirmative benefit from termination or incur a detriment by continuing in the relationship.” *Ariz. Dep’t of Econ. Sec. v. Oscar O.*, 209 Ariz. 332, ¶¶ 4, 6, 100 P.3d 943, 945 (App. 2004); *see also Kent K. v.*

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<sup>1</sup>We agree with the Arizona Department of Economic Security that Jacques has not challenged the termination of his parental rights to seventeen-year-old Matthew C. or seven-year-old Dylan N. In addition to the grounds for termination mentioned above, the court found Jacques had relinquished his parental rights to Matthew and Dylan by executing his consent to place them for adoption. *See* § 8-533(B)(7). Jacques has not contested this basis for termination of his rights.

<sup>2</sup>In his opening brief, Jacques had argued that the Arizona Department of Economic Security (ADES) had failed to prove grounds for termination because it had not established it had made a diligent effort to provide Jacques with appropriate reunification services. *See* § 8-533(B)(8). But in his reply brief, he “concede[d] . . . that [ADES] had no duty to provide him with appropriate reunification services based on abandonment being found as a ground of termination of his parental rights.” He has thus abandoned appellate review of this issue, and we do not address it. *See Jesus M. v. Ariz. Dep’t of Econ. Sec.*, 203 Ariz. 278, ¶ 3, 53 P.3d 203, 205 (App. 2002) (“If clear and convincing evidence supports any one of the statutory grounds on which the juvenile court ordered severance, we need not address claims pertaining to the other grounds.”).

*Bobby M.*, 210 Ariz. 279, ¶ 41, 110 P.3d 1013, 1022 (2005) (preponderance standard of proof applies to best-interests determination). Jacques contends that, because he testified he was willing to have the children live with him in California and to support them, the Arizona Department of Economic Security (ADES) failed to sustain its burden of showing that the children would benefit from termination or that allowing Jacques to retain his parental rights would be detrimental to them.

¶3 But we view the facts in the light most favorable to upholding the juvenile court's order. *Manuel M. v. Ariz. Dep't of Econ. Sec.*, 218 Ariz. 205, ¶ 2, 181 P.3d 1126, 1128 (App. 2008). So viewed, evidence at the termination hearing established that Jacob and Samuel had not even seen Jacques during the past eight or nine years, and Acacia had seen him only once, four years earlier, for a brief visit. For the most part, Jacques had neither contacted the children nor supported them during those years. As a result, the children did not have a relationship with him, did not want to have contact with him, and did not want to be reunited with or live with him.

¶4 In contrast, evidence suggested the children have bonded with their maternal uncle, Richard O., who has been involved with the children for most of their lives, has been meeting their needs in placement, and wishes to adopt them. And the children wish to be adopted by him as well. The juvenile court had ample evidence from which to conclude termination of Jacques's parental rights was in the best interests of his children. *See, e.g., Oscar O.*, 209 Ariz. 332, ¶ 8, 100 P.3d at 946 ("In combination, the existence of a statutory

ground for severance and the immediate availability of a suitable adoptive placement for the children frequently are sufficient to support a severance order.”); *Audra T. v. Ariz. Dep’t of Econ. Sec.*, 194 Ariz. 376, ¶ 5, 982 P.2d 1290, 1291 (App. 1998) (juvenile court may consider whether children’s existing placement is meeting their needs to determine best interests). Accordingly, we affirm the court’s termination order.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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GARYE L. VÁSQUEZ, Judge